

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4024 of 1998

DATED: 18-4-2007

Between:

Ch.Siva Ramakrishna Rao

... Petitioner.

And

**The Secretary,
A.P.Social Welfare Residential
Educational Institutions Society,
Hyderabad.**

And another.

... Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4024 of 1998

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ORDER:
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This writ petition is filed questioning the proceedings issued by respondent No.1 vide Rc.No.Z-II/16237/95 dated 31.1.1998 whereby petitioner was reverted from the post of Junior Lecturer to the post of Post-Graduate Teacher in Mathematics.

The petitioner was initially appointed as Post Graduate Teacher in Mathematics subject on 19.7.1990 in the first respondent Society. The first respondent in its proceedings dated 26.6.1996 temporarily appointed the petitioner by transfer as Junior Lecturer in Mathematics subject to certain conditions. Under condition No.1 it is mentioned that the promotion is purely temporary in nature and it was given for the remaining period of academic year 1996-97. It is relevant to extract conditions 1 to 3 of the order dated 26.6.1996:

- "1. The promotion is purely temporary in nature and given for the remaining period of academic year 1996-97.
2. It is subject to review and revision by a Selection Committee constituted under Rule 7(2)(d)(II) of the said rules. The above temporary appointment shall remain in force up to 30th June 1997, or till the review is completed by the above mentioned selection committee, whichever is earlier.
3. The Selection Committee will review this temporary appointment with reference to the performance of the

candidates in intermediate public examination 1996-97 and such other material having bearing on the performance of the candidate as temporary Junior Lecturer and the Committee may either recommend the candidate for regular appointment as Junior Lecturer or further extend the period of temporary appointment for one more academic year or revert the candidate back to the post of Post Graduate teacher. The decision of the Selection Committee in this regard shall be final.”

A reading of the impugned proceedings shows that during the Intermediate Public Examination held in 1996-97 the pass percentage in Mathematics subject of the Junior Intermediate was 8.7% and overall pass percentage upto Half Yearly examinations of 1997-98 in Mathematics subject was 28.57 of the Ist Year and 13.04% of the II year, which is far below the minimum target. Having assessed the performance of the petitioner and the approach of the petitioner which did not make impact on the minds of the students to accelerate the process of teaching and learning, the respondents felt that the petitioner shall not be continued as lecturer any more on account of his poor performance.

Ms.Sameena learned counsel appearing for the petitioner submitted that the impugned order is not preceded by service of any notice or an opportunity was given to the petitioner and therefore, the order is liable to be set aside as being in violation of principles of natural justice.

None appeared for respondent No.1. Learned Assistant Government Pleader for Higher Education for respondent No.2.

From the conditions of appointment extracted above it is clear that the appointment/promotion is purely temporary and on the basis of the results of the Public Examination of 1996-97, a

further decision will be taken either to continue the petitioner or not to continue him. A reading of the impugned order shows that the results in Mathematics of Junior Intermediate Examination held in 1996-97 were abysmal, i.e., 8.7%, half yearly examination results for 1997-98 were 28.57% and the pass in IIInd year was only 13.08%. Having regard to the poor performance of the students which was mainly attributable to the performance of the petitioner, the respondents have taken a decision to revert the petitioner to his substantive post of Post Graduate Teacher in Mathematics. In view of the fact that the petitioner's appointment was purely temporary and the respondents have acted inconsonance with the conditions subject to which the petitioner was appointed/promoted, it cannot be said that the action of the respondents in reverting the petitioner is illegal. As regards the notice, petitioner has no substantive right to hold the post of Junior Lecturer and the further fact that he is not in a position to deny the facts mentioned in the impugned order, namely, poor results which were the sole reason for reversion of the petitioner, the petitioner was not entitled to notice and in any case no prejudice is caused to the petitioner by non-service of notice before his reversion.

For the reasons aforementioned, the writ petition fails and is accordingly dismissed.

C.V.NAGARJUNA REDDY,J

Date:18.04.2007
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